

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5304 of 2015

CC 137/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPPALAM

CRIME NO. 36/2013 OF OTTAPALAM POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED 1 TO 8 :-

1. **ABDUL NAZEER,**
S/O.A BDUL KADER, AGED 40 YEARS.
2. **AISHA,**
W/O. ABDUL KADER, AGED 66 YEARS.
3. **SUBAIDA,**
D/O. ABDUL KADER, AGED 43 YEARS.
4. **YOOSUF,**
H/O SUBAIDA, AGED 48 YEARS.
5. **NABEESA,**
W/O. MUHAMMAD ALI, AGED 53 YEARS.
6. **MUHAMMAD ALI,**
H/O. NABEESA, AGED 63 YEARS.
7. **RASEENA,**
D/O. NABEESA, AGED 32 YEARS.
8. **ABDUL RAHMAN,**
S/O. ABDUL KADER, AGED 48 YEARS.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S)/COMPLAINANT & STATE :-

1. **BALKEES, D/O. ALI, AGED 31 YEARS,**
KEEZHPADAPALLIYALIL HOUSE, CHOOTHANGAD P.O.,
OTTAPALM, PALAKKAD - 679 101.
2. **STATE OF KERALA,**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SMT.SHAMSEERA. C.ASHRAF
R2 BY SMT.S.HYMA, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Crl.MC.No. 5304 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 36 OF 2013 OF
THE OTTAPALAM POLICE STATION.**

ANNEXURE A2 : A TRUE COPY OF THE AFFIDAVIT FILED BY THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5304 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners herein are the eight accused in C.C.No.137 of 2013 of the Judicial First Class Magistrate Court, Ottappalam. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 498A, 506(ii), 294(b) and read with Section 34 of the Indian Penal Code on the complaint of one Balkees, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or

public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

3. The victim's affidavit shows that the whole family dispute stands resolved. The victim has reunited with her husband in matrimony, and they are now leading a very happy matrimony. In such a situation, it is appropriate that the pending prosecution be quashed. Continuance of the prosecution may defile the matrimony.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.137 of 2013 of the Judicial First Class Magistrate Court, Ottappalam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE